

October 25, 2013

VIA EMAIL

Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: In re September 11 Litigation, 21 MC 101 (AKH)  
*Cantor Fitzgerald & Co. et al. v. American Airlines, Inc. et al.*, 04 CV 7318  
C & F Ref: DTB/CRC/VAT/28079

Dear Judge Hellerstein:

I write on behalf of defendants American Airlines, Inc. and AMR Corporation (collectively "American") and plaintiffs Cantor Fitzgerald, *et al.* (collectively, "Cantor") to request the Court's permission to file under seal the following motions that the parties will be filing today:

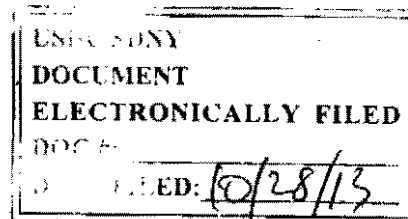
1. Defendants' Motion for a Determination of Applicable Law Regarding the Standard of Care;
2. Defendants' Motion for Partial Summary Judgment Dismissing Certain of Plaintiffs' Claims;
3. Defendants' Motion for Summary Judgment Dismissing All of Plaintiffs' Claims for Lack of Duty and Proximate Cause;
4. Cantor Fitzgerald Plaintiffs' Motion on the Applicable Standard of Care;
5. Cantor Fitzgerald Plaintiffs' Motion for Application of a Presumption Concerning Prohibited Weapons Passing Through American Airlines' Checkpoint Security and Getting on Flight 11;
6. Cantor Fitzgerald Plaintiffs' Motion to Confirm Duty of Air Carrier to Ground Victims;
7. Cantor Fitzgerald Plaintiffs' Motion to Exclude Certain Opinions of Defendant American Airlines' Expert Daniel R. Fischel;

Permission denied. The parties should submit to me marked copies of the motions, marked to show the sections as to what sealing is sought, for ruling regarding public filing.

10.28.13

*Sh/c Hellerstein*

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Honorable Alvin K. Hellerstein  
October 25, 2013  
Page 2

8. Cantor Fitzgerald Plaintiffs' Motion to Exclude Opinions of Defendant American Airlines' Expert Stephen D. Mitroff, Ph.D.;
9. Cantor Fitzgerald Plaintiffs' Motion to Exclude Opinions of Defendant American Airlines' Expert James J.F. Forest, Ph.D.; and
10. Cantor Fitzgerald Plaintiffs' Motion to Exclude Opinions of Defendant American Airlines' Expert Bruce Mizrach, Ph.D.

The parties will be serving their respective motion papers upon each other today and also will be providing the Court with courtesy copy sets under separate cover.

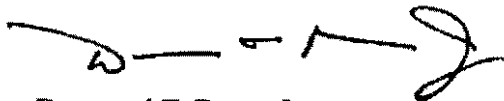
American and Cantor request that these motion papers be filed under seal because they potentially contain Sensitive Security Information ("SSI") materials that are required to be filed under seal under Paragraph 14 of the May 8, 2013 Protective Order Governing Access to Handling and Use of SSI at Trial and/or materials that are confidential pursuant to Paragraph 15 of the Court's May 22, 2008 Stipulated Order and/or have been designated as confidential by the parties pursuant to the Court's March 30, 2004 and August 12, 2005 Confidentiality Protective Orders. The briefs also contain arguments and statements addressing SSI and/or confidential materials.

Counsel for the Transportation Security Administration ("TSA") joins in this request with respect to those materials that potentially contain SSI and therefore must be reviewed by the TSA prior to the materials being filed publicly. Consistent with how previous similar submissions have been handled, counsel for the parties and TSA will work together to prepare agreed sets of motion papers for public filing after the motions have been fully briefed.

Accordingly, American and Cantor respectfully request that the Court direct the Clerk of the Court to accept the parties' above-referenced motions for filing under seal by endorsing this letter below.

Please do not hesitate to contact me should you have any questions.

Respectfully submitted,



Desmond T. Barry, Jr.

**CONDON / FORSYTH**

Honorable Alvin K. Hellerstein  
October 25, 2013  
Page 3

SO ORDERED:



Hon. Alvin K. Hellerstein, U.S.D.J.

cc: Via E-mail

Roger E. Podesta, Esq.  
Debevoise & Plimpton LLP  
*Co-Counsel for American Airlines, Inc. and AMR Corporation*

John F. Stoviak, Esq.  
Saul Ewing LLP  
*Counsel for the Cantor Fitzgerald Plaintiffs*

Sarah S. Normand, Esq.  
Jeannette A. Vargas, Esq.  
U.S. Attorneys' Office

Judge wrote:

“Permission denied. The parties should submit to me marked copies of the motions, marked to show the sections as to which sealing is sought, for rulings regarding public filing.

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Alvin K. Hellerstein”